U.S. Department of Justice

Immigration and Naturalization Service

DLO

OFFICE OF ADMINISTRATIVE APPEALS
425 Eye Street N.W.
ULLB, 3rd Floor
Washington, D.C. 20536

[redacted]

File: [redacted] Office: California Service Center Date: NOV 3 2000

IN RE: Petitioner:
Beneficiary: [redacted]

Petition: Petition for Alien Fiance(e) Pursuant to Section 101(a)(15)(K) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(K)

Public Copy

IN BEHALF OF PETITIONER: Self-represented

INSTRUCTIONS:
This is the decision in your case. All documents have been returned to the office which originally decided your case. Any further inquiry must be made to that office.

If you believe the law was inappropriately applied or the analysis used in reaching the decision was inconsistent with the information provided or with precedent decisions, you may file a motion to reconsider. Such a motion must state the reasons for reconsideration and be supported by any pertinent precedent decisions. Any motion to reconsider must be filed within 30 days of the decision that the motion seeks to reconsider, as required under 8 C.F.R. 103.5(a)(1)(i).

If you have new or additional information which you wish to have considered, you may file a motion to reopen. Such a motion must state the new facts to be proved at the reopened proceeding and be supported by affidavits or other documentary evidence. Any motion to reopen must be filed within 30 days of the decision that the motion seeks to reopen, except that failure to file before this period expires may be excused in the discretion of the Service where it is demonstrated that the delay was reasonable and beyond the control of the applicant or petitioner. Id.

Any motion must be filed with the office which originally decided your case along with a fee of $110 as required under 8 C.F.R. 103.7.

identifying deletion to prevent clearly unwarranted invasion of personal privacy

FOR THE ASSOCIATE COMMISSIONER,
EXAMINATIONS

Terrance M. O'Reilly, Director
Administrative Appeals Office

DISCUSSION: The nonimmigrant visa petition was denied by the Director, California Service Center, and is now before the Associate Commissioner for Examinations on appeal. The appeal will be dismissed.

The petitioner is a naturalized citizen of the United States, who had one previous marriage. The beneficiary is a native and citizen of [redacted] The director determined that the petitioner had not established that he and the beneficiary personally met within two years prior to the petition's filing date.

On appeal, the petitioner states that he could not petition for the beneficiary after their second meeting because he was married and only separated from his former spouse. The petitioner states that his most recent meeting was during May 1999. Additional evidence has been submitted with the appeal.

Section 101(a)(15)(K) of the Immigration and Nationality Act (the Act), 8 U.S.C. 1101(a)(15)(K), defines "fiancee" as:

> An alien who is the fiancee or fiance of a citizen of the United States and who seeks to enter the United States solely to conclude a valid marriage with the petitioner within ninety days after entry....

Section 214(d) of the Act, 8 U.S.C. 1184(d) states in pertinent part that a fiancee petition:

> shall be approved only after satisfactory evidence is submitted by the petitioner to establish that the parties have previously met in person within two years before the date of filing the petition, have a bonafide intention to marry, and are legally able and actually willing to conclude a valid marriage in the United States within a period of ninety days after the alien's arrival...

The petition was filed with the Service on April 30, 1999. Therefore, the petitioner and the beneficiary must have met in person between April 29, 1997 and April 30, 1999.

The petitioner states that he initially met his fiancee during a visit to [redacted] on or about May 23, 1995. The petitioner's United States passport shows that he returned to [redacted] on November 8, 1996 and departed on November 18, 1996. Therefore, they did not meet in person within two years prior to filing the fiancee petition.

On appeal, the petitioner requests that the personal meeting be waived. However, the petitioner may only be exempt from this requirement if it is established that compliance would result in extreme hardship to the petitioner or violate strict and long-

established customs of the beneficiary's foreign culture or social practice. The record contains no evidence that a personal meeting would cause extreme hardship to the petitioner. Further, the petitioner has not presented any evidence that the beneficiary is a practicing member of a religious or cultural group which precludes premarital meetings of the future bride and groom. See Matter of Grewal, 14 I&N Dec. 620 (Reg. Comm. 1974).

However, the petitioner has now submitted evidence with the appeal to show that he met his fiancee in person in [redacted] on May 22, 1999 and departed on June 1, 1999. This decision is without prejudice to the filing of a new petition (Form I-129F) to classify status as an alien fiancee within two years of that meeting. The petition must be submitted with the required documentary evidence and fee.

ORDER: The appeal will be dismissed.